

Message

From: Bohan, Suzanne [bohan.suzanne@epa.gov]
Sent: 2/13/2018 1:28:01 AM
To: Benevento, Douglas [benevento.douglas@epa.gov]; Thomas, Deb [thomas.debrah@epa.gov]
Subject: Filing in Colo. Springs MS4 Litigation
Attachments: City's Mtn for Sanctions for spoliation.pdf

Doug and Deb -

Attached is a discovery sanctions motion filed by Colorado Springs today against the state. The city is asking the court for a "negative inference" to be made against certain documents and emails created through the state's MS4 permitting process. The motion relates to documents and emails that were destroyed in accordance with the state's normal recordkeeping procedures. No bad intent is alleged. Rather, the city is alleging the state should have anticipated this litigation and thus segregated documents and records related to this case so as to keep the records in question from being destroyed in the normal course.

Suzanne